

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EDWARD FULCHER,

Plaintiff,

v.

CIV No. 14-812 MV/GBW

UNITED STATES OF AMERICA,

Defendant.

**ORDER TO SHOW CAUSE**

This matter is before the Court upon a review of the record. On December 8, 2014, Magistrate Judge Gregory B. Wormuth filed his Proposed Findings and Recommended Disposition (PFRD) in this matter, recommending that the Court deny Petitioner's Motion under 28 U.S.C. § 2255 and dismiss his action with prejudice. *Doc. 12*. On December 16, 2014, the PFRD sent to Plaintiff was returned as undeliverable. *Doc. 13*. Plaintiff has not provided the Court with any other mailing address.

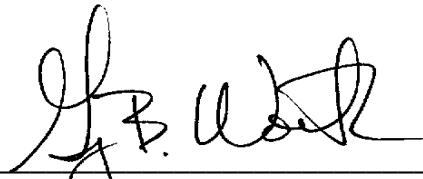
Plaintiff has a "continuing duty to notify the Clerk, in writing, of any change in their mailing address." D.N.M.LR-Civ 83.6. Plaintiff's apparent failure to update his change of address will make proceeding in his case impossible. The Court may impose sanctions for Plaintiff's failure based on the local rules and the Court's inherent power to regulate its docket and promote judicial efficiency. *See Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretion of the

Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005).

Based on Plaintiff's failure to notify the Court of his change of address, he will be required to show cause why this case should not be dismissed.

Wherefore, **IT IS HEREBY ORDERED** that, no later than fourteen days from the date of this order, Plaintiff shall file with the Court notice of his current address.

Failure to respond to this Order shall constitute an independent basis for dismissal.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE